

FEB 5 1985

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GA 113:RCED-86-65FS

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United States General Accounting Office

Fact Sheet for the Chairman,
Subcommittee on Commerce,
Transportation, and Tourism,
Committee on Energy and Commerce,
House of Representatives

December 1985

HAZARDOUS WASTE

Status of Private Party Efforts to Clean Up Hazardous Waste Sites





UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

RESOURCES, COMMUNITY,
AND ECONOMIC DEVELOPMENT
DIVISION

December 27, 1985

B-221269

The Honorable James J. Florio
Chairman, Subcommittee on Commerce,
Transportation, and Tourism
Committee on Energy and Commerce
House of Representatives

Dear Mr. Chairman:

Your letter of April 16, 1985, requested that we review the Environmental Protection Agency's (EPA's) compliance monitoring over responsible party settlements for cleanup at priority hazardous waste sites. Although not yet complete, we briefed your office on November 4, 1985, on the status of our work. As agreed with your office, this fact sheet summarizes selected statistics which we discussed during the briefing.

EPA generally uses the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to compel parties responsible for the hazardous conditions at the sites to either perform cleanups themselves or reimburse the government for cleaning up the sites.

As agreed with your office, this fact sheet includes information on the number, type, and status of responsible party cleanup activities at sites on the National Priorities List (designated as the nation's worst sites). We obtained information from EPA headquarters data management systems and reports, supplemented when necessary, by discussions with EPA officials responsible for maintaining and operating the systems.

We obtained the estimated value of settlements reached and the estimated amount spent at these sites from EPA. We verified to the extent possible those responsible party activities performed in EPA Regions I, II, and V that are included in our current review of settlement oversight.

Appendix I presents summaries of the nature, extent, and value of responsible party activities performed at priority sites. Appendix II provides information on the 73 settlements where the responsible party agreed to begin some phase of work and

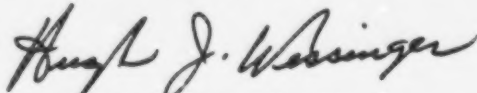
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shows the settlement's purpose, status, and estimated value of the planned action and the estimated amount spent to date.

We did not obtain official agency comments on this information; however, we did discuss the contents with EPA officials and have reflected their comments in the data where appropriate.

Unless you publicly announce its contents earlier, we do not plan to distribute this fact sheet until 30 days from its issue date. At that time, we will send copies to the Administrator, Environmental Protection Agency, and other interested parties upon request. Further information on this fact sheet can be obtained by calling (202) 275-5489.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Hugh J. Wessinger". The signature is fluid and cursive, with the first name "Hugh" and last name "Wessinger" clearly distinguishable.

Hugh J. Wessinger
Senior Associate Director

NATURE, EXTENT, AND ESTIMATED VALUE
OF PRIVATE RESPONSIBLE PARTY SETTLEMENTS

The Superfund Act provides that responsible parties should clean up hazardous waste sites themselves or reimburse the government for expenses in cleaning up the sites. EPA uses its enforcement authority to identify, notify, and negotiate with responsible parties in an attempt to reach a settlement whereby responsible parties conduct cleanups (for example, a removal, remedial or sampling activity) or pay for cleanups (through a cashout or cost recovery action).

EPA's Superfund enforcement authority is derived principally from sections 106 and 107 of the act. Section 106 authorizes EPA to issue administrative orders to compel the responsible parties to clean up hazardous waste sites when it can be demonstrated that

". . . there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance . . ."

The responsible party and EPA may negotiate an agreement for cleanup, in which case EPA issues a "consent" order, or EPA may issue a "unilateral" order without input from the responsible party.

Section 106 also authorizes EPA to pursue a judicial remedy instead of an administrative one. Under this section EPA may ask a federal district court to require responsible parties to mitigate any danger or threat of danger from hazardous waste sites. If EPA and the responsible parties negotiate an agreement for cleanup, they may--subject to court approval--have the court issue a "consent decree." Consent decrees provide certain features that administrative orders do not, such as long-term court oversight of compliance with separate cleanup milestones. Under these settlements the responsible parties can clean up the sites themselves or pay contractors to provide cleanups according to the specifications agreed upon with EPA.

EPA may also clean up sites itself using Superfund money and file an action under section 107 to recover the cost of the cleanup. Section 107 provides that past or present owners and operators of sites and generators and transporters who contributed hazardous substances to sites shall be liable for all cleanup costs.

The Superfund Act defines two types of responses to hazardous releases or threatened releases: removal actions and remedial actions. Removal actions entail the cleanup or removal of hazardous substances when a release or threatened release occurs in order to prevent, minimize, or mitigate damage to the public

health, welfare, or the environment. Remedial actions are those long-term cleanup actions leading to a permanent remedy instead of or in addition to removal actions. Remedial actions are designed to prevent or minimize the release of hazardous substances so that they do not migrate to endanger present or future public health, welfare, or the environment.

Table I.1 summarizes the types of private responsible party settlements obtained by EPA for priority sites as of June 30, 1985.

Table I.1
EPA Settlements at Priority Sites

<u>Type of settlements</u>	<u>Settlements</u>	
	<u>Number</u> ^a	<u>Estimated value</u> ^b
Private parties responsible for doing work:		
--remedial (long-term cleanup) activities	73	\$360,813,000
--other (e.g., sampling)	19	3,629,000
--removals (emergency response) only	40	5,643,000
Cashout--private parties pay for work to be done by EPA	14	56,933,000
Cost recovery--private parties reimburse fund for work done by EPA	<u>14</u>	<u>15,889,000</u> ^c
Total	<u>160</u>	<u>\$442,907,000</u>

^aSettlements reached as of June 30, 1985.

^bEPA estimated the value of these settlements as of November 1985.

^cThe value includes 14 settlements for cost recovery only amounting to \$2.6 million. The remaining \$13.3 million represents funds recovered at sites which the private party also agreed to pay for or start additional work.

DETAILED INFORMATION ON SETTLEMENTS WHERE
PRIVATE PARTIES AGREED TO START CLEANUP

We are providing more specific information on the 73 settlements where the private party agreed to begin remedial work. A breakdown of the purpose, EPA's estimated value of the settlement, and the estimated amount spent as of November 1985 is shown in table II.1.

Table II.1

Purpose and Value of Private Party Settlements
as of November 1985

<u>Purpose</u>	<u>Number settlements</u>	<u>Estimated total value</u>	<u>Estimated amount spent</u>
		----- (thousands) -----	
Study--investigation and study of site problems only; no cleanups included.	30	\$ 26,130	\$ 8,955
Partial cleanup--not final remedy for site problems; additional study and/or cleanup required.	19	51,083	29,086
Final cleanup--considered final remedy for site problems; no additional work anticipated.	21	282,500	61,560
Other--activities related to the remedial process not involving study or cleanup such as site access or groundwater monitoring.	<u>3</u>	<u>1,100</u>	<u>1,100</u>
Total	<u>73</u>	<u>\$360,813</u>	<u>\$100,701</u>

Table II.2 shows the number and purpose for the 73 settlements obtained by EPA since Superfund's enactment, December 1980, through June 1985.

Table II.2

Purpose of Settlements
by Year the Settlement Was Entered

<u>Year</u>	<u>Study</u>	<u>Partial cleanup</u>	<u>Final cleanup</u>	<u>Other</u>	<u>Total</u>
1980 and 1981	-	-	2	-	2
1982	-	5	4	-	9
1983	3	7	10	2	22
1984	14	6	2	-	22
First half of 1985	<u>13</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>18</u>
Total	<u>30</u>	<u>19</u>	<u>21</u>	<u>3</u>	<u>73</u>

Table II.3 depicts the estimated value of private responsible party settlements versus the estimated value of work remaining. The latter dollar value is determined by subtracting the dollars spent so far from the total value for each settlement; both are based on EPA estimates.

Table II.3
Estimated Value of Work Remaining
by Year of Settlement

<u>Year</u>	<u>Estimated settlement value</u>	<u>Estimated value of remaining work</u>
	(thousands)	(thousands)
1980 and 1981	\$ 33,500	\$ 28,500
1982	35,920	2,900
1983	63,437	33,367
1984	123,126	95,900
First half of 1985	<u>104,830</u>	<u>99,445</u>
Total	<u>\$360,813</u>	<u>\$260,112</u>

As the table demonstrates, the estimated total value of settlements reached each year has risen significantly. In addition, the estimated value of work remaining (\$260 million) represents 72 percent of the total estimated settlement value of \$361 million.

Table II.4 lists the 73 settlements; date obtained; estimated value; and amount spent, purpose, and whether further work may be necessary.

Table II.4

73 Settlements Where The Private Responsible Party Agreed To Begin Work

Region	Settlement	State and Territory	Date	Estimated value (000)	Estimated amount spent (000)	Purpose	Additional remedial action possible
I	WR Grace (Acton)	MA	21-Oct-80	\$ 3,500	\$ 2,000	F	N
I	Industriplex (Stauffer)	MA	25-May-82	3,500	3,000	F	N
I	New Bedford Harbor (Aerovox)	MA	25-May-82	300	300	P	Y
I ^a	New Bedford Harbor (Cornell Dubilier)	MA	30-Sep-83	200	200	P	Y
I	Solvents Recovery	CT	14-Dec-82	3,000	1,500	F	N
I	Laurel Park, Inc.	CT	17-May-85	800	450	S	Y
I ^a	Rose Property Site (GE Lanesboro)	MA	20-Nov-84	400	100	S	Y
II	Hooker Chemical (Hyde Park)	NY	19-Jan-81	30,000	3,000	F	N
II	Hooker Chemical (102nd St)	NY	26-Jun-84	1000	500	S	Y
II	Hooker Chemical (S-area)	NY	10-Jan-84	45,000	10	F	N
II	Swope Oil	NJ	14-May-84	500	500	P	Y
II	Vineland Chemical Company	NJ	28-Sep-84	250	50	S	Y
II	Batavia Landfill	NY	08-Sep-84	250	100	S	Y
II	S Glen Falls Dragstrip (GE Moreau)	NY	21-Nov-83	2,000	1,000	F	N
II	GE Wiring Devices (Juana Diaz)	PR	22-Dec-83	1,500	600	F	N
II	Juncos Landfill	PR	09-Oct-84	300	100	S	Y
II	Asbestos Dump	NJ	04-Apr-85	250	50	S	Y
II	King of Prussia	NJ	17-Apr-85	250	50	S	Y
II	Renora Township	NJ	29-Apr-85	250	50	S	Y
II	GM Central Foundry	NY	16-Apr-85	250	50	S	Y
II ^a	Kin-Buc Landfill	NJ	23-Sep-83	500	500	F	N
III	Army Creek Landfill	DE	01-Aug-84	150	150	S	Y
III	Fike Chemicals	WV	08-Mar-82	800	U	P	Y
III	Fike Chemicals	WV	08-Jun-82	100	U	P	Y
III	Tybouts Corner Landfill	DE	30-Sep-83	37	U	P	Y
III	Tybouts Corner Landfill	DE	19-Dec-84	976	716	P	Y
III	Delaware City PVC	DE	23-May-84	150	150	P	Y
III	Metal Bank of America	PA	13-Aug-83	2,000	800	P	Y
IV	Gold Coast Oil Corp.	FL	05-Mar-82	220	220	P	Y
IV	Olin Triana Corp.	AL	15-May-83	20,000	1,500	P	Y
IV	Taylor Road Landfill (Hillsborough Co)	FL	01-Jun-83	2,000	1,700	F	N
IV	Brown Wood Preserving	FL	24-Apr-84	800	800	S	Y
V	Chem-Dyne	OH	18-Mar-83	0	0	O	N ^b
V	Velsicol	MI	18-Nov-82	24,500	24,500	F	N
V	FMC	MN	08-Jun-83	6,000	6,000	P	Y
V	Oakdale	MN	26-Jul-83	10,000	10,000	F	N
V	A & F Mater'ls (Greenup)	IL	04-Jun-84	4,000	4,000	P	Y
V	Johns-Manville Corp	IL	15-Jun-84	350	250	S	Y
V	Ninth Avenue Dump	IN	07-Dec-83	5,000	400	F	D
V	Cliffs-Dow Dump	MI	28-Sep-84	400	100	S	Y
V	Waste Disposal Engineering	MN	08-Mar-84	1,500	1,000	S	Y

Table II.1

73 Settlements Where The Private Responsible Party Agreed To Begin Work

Region	Settlement	State and territory	Date	Estimated value (000)	Estimated amount spent (000)	Purpose	Additional remedial action possible
V	Allied Chemical/Ironton Coke	OH	11-Apr-84	\$ 1,250	\$ 1,200	S	Y
V	NL Industries/Taracorp (Granite City)	IL	11-Mar-85	700	100	S	Y
V	Westinghouse/4NPL Sites	IN	20-May-85	90,000	100	F	N
V	MIDCO I+II (2 Sites)	IN	19-Jun-85	1,600	200	S	Y
V	Poor Farm	IN	29-May-85	500	100	S	Y
V	Packaging Corporation of America	MI	14-Mar-85	600	80	S	Y
V	Whitehall Municipal Wells	MI	31-May-85	100	100	O	U
V	Burlington Northern	MN	22-Jan-85	3,000	2,250	F	N
V	NL/Taracorp (Golden Auto)	MN	22-Jan-85	1,000	500	F	N
V	Bower's Landfill	OH	15-Jan-85	1,300	80	S	Y
VI	Vertac	AR	18-Jan-82	2,500	2,500	P	Y
VI	Petro Processors	LA	16-Feb-84	50,000	5,000	F	N
VI	Frit Industries	AR	03-Feb-83	100	100	F	N
VI	ATSF-Clovis (Santa Fe Lake)	NM	01-Sep-83	700	700	F	N
VI	Homestake Mining	NM	24-Jun-83	1,000	1,000	O	N
VI	Harris-Farley Street	TX	09-Jun-83	300	50	S	Y
VI	Brio Refinery	TX	27-Jun-85	1,300	250	S	Y
VI	Koppers + South Calvalcade (2 Sites)	TX	28-Mar-85	2,280	625	S	Y
VI	French Limited	TX	08-Apr-85	350	250	S	Y
VII	Syntex Agribusiness (Verona)	MO	06-Sep-83	3,000	900	F	N
VII	John's Sludge Pond	KS	06-Dec-83	500	300	P	Y
VIII	Rose Park Sludge Pits	UT	25-Oct-82	1,000	1,000	F	N
VIII	Lowry Landfill	CO	10-Jan-84	2,000	1,500	P	Y
VIII	A= conda Mining Company	MT	22-Oct-84	1,800	500	S	Y
VIII	ASARCO/E. Helena Site	MT	31-Aug-84	300	200	S	Y
VIII	Libby Groundwater	MT	18-Oct-83	700	500	S	Y
VIII	Baxter/Union Pacific Tire Treating	WY	16-Nov-83	3,200	2,800	F	N
VIII ^a	Marshall Landfill	CO	20-Oct-83	1,200	1,000	P	Y
IX ^a	Goodyear/Unidynamics	AZ	27-Mar-84	2,450	1,000	S	Y
X	Queen City Farms, Inc.	WA	19-Aug-83	3,500	20	S	Y
X	Western Processing Co	WA	20-Jul-84	9,300	9,300	P	Y
X	Commencement Bay, S Tacoma-Well 12A	WA	03-Jun-85	300	100	P	Y
Totals				\$360,813	\$100,701		
				=====	=====		

^aUnilateral order in compliance, all others are signed judicial or administrative orders.

^bNo value was attached to this settlement. However, two separate cashout settlements were obtained for approximately \$24 million to cleanup the site and is reflected in table I.1.

F-Final, D-Defaulted, N-No, O-Other, P-Partial, S-Study, U-Unknown, Y-Yes

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